

Amendment No. 13 to SB1933

Southerland
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1933*

House Bill No. 1421

by deleting the language in subdivision (d)(2) of Section 5 of the bill as amended in its entirety and by substituting instead the following:

(2) A nonexclusive grant of authority to construct, maintain, and operate facilities through, along, upon, over and under any public lands, rights-of-way or waters in this state in the delivery of cable service, subject to the laws of this state, including the lawful exercise of police powers of the municipalities and counties in which such service is delivered, including, but not limited to, the implementation of bonding or surety requirements for any work conducted in the public rights-of-way; and

AND FURTHER AMEND by deleting the language in subdivision (a)(3) of Section 11 of the bill as amended in its entirety and by substituting instead the following:

(3) A requirement that, prior to initiating any work in a public right-of-way, the holder of a state-issued certificate of franchise authority shall, if required by the county or municipality, post a bond in an amount not to exceed seventy-five thousand dollars (\$75,000), which shall be available to the municipality or county in the event the holder of a state-issued certificate of franchise authority caused damage to the municipality or county by its activities in the right-of-way. This bonding requirement shall be in place of any other bond or surety requirements that a local highway authority may require for activities of the cable service provider which affects the local authority's roads or adjacent road rights-of-way. Nothing in this part shall relinquish a cable service provider from the requirement that a permit be received from the local highway authority if the work affects the roads or road rights-of-way under the local highway department's authority. The surety must be in the form of a letter of credit or a cashier's check, and be from a financial institution licensed to do business in Tennessee. Copy of the bond shall be provided to the county or municipality and accompanied by a power of attorney

indicating that the person executing the bond is doing so on behalf of the surety. The power of attorney shall have been conferred upon the attorney-in-fact prior to the date of the bond. The power of attorney shall show the date of appointment of the attorney-in-fact and that the appointment and powers have not been revoked and remain in effect. A holder may not use a bond or surety provided to another county or municipality to satisfy its bonding requirement.